

THE CITY OF WARWICK  
STATE OF RHODE ISLAND

APPENDIX A

ZONING

No..... Date.....

Approved.....Mayor

AN ORDINANCE RELATIVE TO AMENDMENT OF THE WARWICK ZONING  
ORDINANCES: REGULATIONS FOR THE INSTALLATION OF SOLAR ENERGY  
SYSTEMS AND AMENDING ADMINISTRATIVE PROCEDURES FOR DEFINITIONS  
SECTION 200, ESTABLISHMENT AND CLASSIFICATION OF DISTRICTS SECTION  
300, (NEW SECTION) SPECIAL REGULATIONS IN SECTION 509, AND  
ACCESSORY USE SECTIONS 601.2 AND 601.10 OF APPENDIX A, ZONING  
ORDINANCES.

*Be it ordained by the City of Warwick:*

Section I. Appendix A of the City of Warwick Code of Ordinances is hereby amended as follows:

[ . . . ]

**SECTION 200. - Definitions.**

*Direct Benefit, Energy.* A substantial tangible benefit afforded to the City, as determined by the City Council, as part of the Solar Energy System (SES) and Energy Storage Facilities (ESF) process per Sec. 509, including, but not limited to, the dedication of land to the City with a minimum area equivalent to the SES or ESF footprint; providing a conservation easement that restricts future development rights on the parcel once an SES or ESF is decommissioned, or reuse of a contaminated site.

*Energy storage facility.* Facilities and structures for the storage of energy and the charging and discharging of power. Such facilities may include, but not be limited to, electrochemical storage batteries, battery chargers, controls, power conditioning systems, and associated electrical equipment designed to provide electrical power to a building or to a utility grid. The facility is typically used to provide standby or emergency power, an uninterruptible power supply, load shedding, load sharing or similar capabilities.

1 *Energy storage facility, accessory.* An energy storage facility as defined herein that is incidental  
2 and subordinate to the principal use(s) of a property and does not exceed more than ten percent  
3 (10%) of the total footprint of the principal use or structure on the parcel. When the principal use  
4 is a solar energy system or similar principal use, the total footprint includes all access aisles and  
5 area necessary to maintain the system.

6 *Energy storage facility, principal.* An energy storage facility as defined herein that is the principal  
7 use of a property and/or larger than the definition of an accessory energy storage facility.

8 *Contaminated site.* A property (1) that has been identified and confirmed by the Rhode Island  
9 Department of Environmental Management (RIDEM) as having contained a hazardous material  
10 contamination; (2) on which remediation activities were conducted to the satisfaction of RIDEM  
11 as documented within a “Letter of Compliance” or an “Interim Letter of Compliance,” and (3)  
12 for which RIDEM has required the use of the property to be restricted through an Environmental  
13 Land Use Restriction.

14 *Solar energy system (SES).* The equipment and requisite hardware that provide and are used for  
15 collecting, transferring, converting, storing, or using incident solar energy for water heating, space  
16 heating, cooling, generating electricity, and off-loading said electricity to the grid, or other  
17 applications that would otherwise require the use of a conventional source of energy such as  
18 petroleum products, natural gas, manufactured gas, or electricity produced for a nonrenewable  
19 resource.

20 *Solar energy system, accessory.* A solar energy system that is incidental and subordinate to the  
21 principal use(s) of the parcel or development including the following:

- 22 (a) Roof or building-mounted energy-generating panels;  
23 (b) Solar canopies.  
24

25 *Solar energy system, ground-mounted.* A solar energy system that has a support structure fixed or  
26 secured to the ground through the use of structural footings, ballasts, or other similar devices  
27 approved by the building official.

28 *Solar energy system, principal.* A solar energy system as defined herein that is the principal use of  
29 a property, and/or where a solar energy system is larger than the definition of an accessory solar  
30 energy system.

31 *Solar energy system, roof- or building-mounted.* An active solar energy system that is structurally  
32 mounted to, structurally ballasted, or integrated into the design of the roof or any other architectural  
33 aspect of a building or structure.

34 [ . . . ]

**SECTION 300. – Establishment and Classification of Districts.**

**TABLE 1. USE REGULATIONS**

		Zoning Districts	OS	A-40	A-15	A-10	A-7	O	WB	GB	LI	GI	<i>Inter-modal</i>	<i>Gate-way</i>	<i>Village District</i>
600	Transportation, communication and utility uses:														
612	Principal Solar Energy System	No	No	No	No	No	No	Yes <sup>27</sup>	No	Yes <sup>27</sup>	Yes <sup>28</sup>	Yes <sup>28</sup>	No	No	No
613	Principal Energy Storage Facility	No	No	No	No	No	No	Yes <sup>27</sup>	No	Yes <sup>27</sup>	Yes <sup>28</sup>	Yes <sup>28</sup>	No	No	No

<sup>27</sup>Only Accessory Use Solar Canopies and rooftop solar systems are allowed within this zoning district subject to all applicable review procedures and performance standards outlined in Section 509.

<sup>28</sup>Subject to all applicable review procedure and performance standards outlined in Section 509.

**509. - Administrative procedures for solar energy systems (SES), energy storage facilities (ESF), and accessory use SES and ESF**

The purpose of this section is to direct the size, type, and location of solar arrays and energy storage facilities and outline procedures for review of such systems.

509.1 Review procedures. Rooftop and Canopy systems are considered accessory use and allowed by right through application for a building permit without Planning or Zoning Board review subject to the dimensional regulations of the zoning district in which the property is located. Principal SES and ESF require Planning Board review in accordance with Major Land Development review provisions. Similarly, applications which may have received City Council approval through Section 1007, must then proceed through the Planning Board Major Land Development process.

SESs and ESFs shall be reviewed as follows:

<i>Type of Use</i>	<i>Review Type</i>
<b>Principal<sup>1</sup></b>	
SES & ESF	Major Land Development
<b>Accessory<sup>1</sup></b>	
Accessory SES (solar canopy & rooftop)	Building Official
Energy Storage Facility, Accessory	Building Official

Any system located in a historic overlay district in view of a public ROW as determined by the Building Official, must obtain a Certificate of Appropriateness in accordance with Section 311.

509.2 Performance standards. These standards shall be required in addition to the Major Land Development review procedures set forth by RIGL 45-23 and the City's Subdivision and Land Development Regulations. The standards set forth herein will ensure that solar energy systems and energy storage facilities are compatible with the surrounding area, provide for public safety, and minimize impacts on scenic, natural, and historic resources.

- (A) SESs and ESFs shall not be allowed on land held under conservation easement or land for which the development rights have been sold, transferred, or otherwise removed from the parcel, unless the conditions of the easement, deed or other applicable legal document specifically allows for such facility.
- (B) SES panels and equipment shall be sited within the project site to minimize adverse visual impacts to nearby properties and natural resources.

- (C) All solar energy systems and storage facilities shall follow the minimum setback requirements in Table 2 A & B. The Planning Board shall reserve the right to increase setbacks to minimize visibility of the system as a result of information learned through public hearings. Required setbacks will be measured from the edge of the SES or ESF, including any perimeter fencing.
- (D) The maximum height of a ground-mounted solar energy system or energy storage facility shall be 12 feet, with the exception of solar canopies, which must accommodate fire apparatus and delivery trucks.
- (E) To prevent glare on adjacent properties and mitigate public safety potential, only matte finish, and non-reflective panels shall be utilized.
- (F) The applicant shall submit a pre-site work noise study for which a baseline shall be established indicating general background noise in perimeter areas adjacent to neighbors averaged over several weeks. A post startup noise study shall be executed to ensure no increase in noise occurs from the facility. Noise mitigation must be employed for areas exceeding 3 dB.
- (G) Reasonable accessibility for emergency service vehicles is required, and a means of shutting down the solar energy system or facility connection to any utility provider interconnection shall be clearly and sufficiently marked.
- (H) A public safety preparedness and response plan detailing the standards, procedures, and communication protocol to be utilized for the system and in the event of an emergency shall be provided to the City's emergency management agency director, as well as documentation indicating that the plan has been distributed to the fire department.
- (I) Contaminated sites shall be remediated in accordance with State or Federal remediation standards as part of the development.
- (J) No substantial clearing or grading of the proposed project site shall have occurred within five (5) years of the application for an SES or ESF based on a review of aerial photography provided by the applicant.
- (K) Clearcutting outside of the immediate array area is prohibited. A reforestation plan prepared by a certified forester (CF) or registered landscape architect shall be required to minimize view shed nuisance from the perspective of abutters.
- (1) A combination of natural vegetation, berms, fencing, walls, and other similar features shall be used to visually buffer the system(s) from the view of abutting properties, as well as mitigate noise, glare, or other potential nuisances.
- (2) Supplemental buffer plantings may be required by the Building Official for the life of the project as maintained by the owner, applicant, or operator of the facility.
- (L) Neither blasting nor removal of ledge by mechanical means is allowed.
- (M) Pollinator mix is required, shall be supported by a maintenance plan, and contain annual reports supplied by the applicant for 5 growing seasons or until established, whichever comes first. Disturbed topsoil shall remain onsite.

- (N) Utility connections shall be underground, equipment screened from view with plantings or fencing, and approved by the utility company as part of the Final Plan Application.
- (1) Interconnection agreement shall be compliant with Code of Ordinance Section 74-52, Renewable energy system tax exemption, and submitted with the Final Plan Application.
- (2) A comprehensive development proforma including but not limited to land cost (lease or purchase, equipment cost, construction, decommission cost etc., shall be submitted by Final Plan Approval.
- (O) Perimeter fencing shall be raised a minimum of 8 inches for wildlife passage, black coated chain link to minimize visual appearance, or ornamental in areas subject to view by neighboring properties.
- (P) A sign shall be posted at the entry of the SES (except for solar canopies) or ESF, displaying the name of the owner and operator of the system and a twenty-four (24) hour emergency contact number.
- (1) In areas where an SES or ESF abuts a right of way, an educational interpretive sign shall be provided and comply with section 800.
- (Q) SES systems shall provide for motion detect lighting in maintenance areas and dark sky compliant lighting elsewhere. Solar canopies built over parking areas or pathways may have lighting integrated into the canopy for vehicular/ pedestrian safety.
- (R) Applicant shall provide a decommissioning plan and cost estimate, inclusive of reforestation, with the Final Plan Application to ensure adequate removal at the end of useful life or abandonment.
- (1) Cost shall account for 2% annual inflation over life of the system with funds deposited into an interest bearing escrow account under City control.
- (2) The owner, applicant, or operator shall remove the system within 6 months upon confirmation by the City of abandonment. The City shall utilize escrow funds to remove all or remaining system beyond six months, with owner, applicant, or operator liable for all expenses beyond escrow, should escrow be exceeded. City shall retain the right to fine the owner in accordance with local ordinances.
- 601.2 (A) A building or use accessory to a dwelling, including an attached, detached garage, carport, or accessory solar canopy shall not be located in any required front or corner side yard....
- 601.10. *Accessory solar energy systems (SES) and energy storage facilities (ESF).* Accessory SESs or ESFs shall require a building permit and are subject to the following requirements:
- (A) Roof or building mounted SES must not increase the footprint of the structure.
- (B) Accessory solar canopies, and ESFs in non-residential zones shall comply with all operating standards outlined under Section 604 and with the following requirements:

1 (1) *Color and materials.* Solar canopies located in the front of a building, or to the side  
2 of a building and visible from a public way, shall be visually and architecturally  
3 compatible with the building, in terms of color, lighting, and basic form. Where  
4 appropriate, integrated artwork, trim additions, or other such design features shall  
5 be used to improve compatibility. Ground level casings, conduits, and other  
6 electronics shall be given similar treatment as the main structures of the solar  
7 canopies.  
8

9 (2) *Buffer from public way.* All permit applications for systems located within view  
10 shed of a public right of way or front yard area shall be accompanied by a landscape  
11 plan, prepared by a Rhode Island registered landscape architect, that utilizes  
12 plantings, fencing, walls, or combination thereof to reduce visual nuisance, improve  
13 the overall aesthetic along the right of way, and buffer panels where deemed  
14 necessary by the building official or city landscape coordinator. Plans shall be  
15 approved by the city landscape coordinator.  
16

17 (3) *Screening.* The building official may require all, or a portion, of the SES or EFS  
18 be screened with a solid fence, wall, evergreen hedge, or similar element if he/she  
19 determines that the system poses a visual, noise, or other similar nuisance to  
20 abutting properties. Screening plans shall be reviewed and approved by the city  
21 landscape coordinator.  
22

23 (C) Accessory solar canopies shall be shut down in the event of an abandonment or vacancy  
24 of the primary use of the property to ensure public safety.

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26 Section II: This Ordinance shall take effect upon passage.  
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29 SPONSORED BY: COUNCILMAN SINAPI

30 COMMITTEE: ORDINANCE  
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